



Title V Operating Permit

Permit No: **TV-OP-004 (Amended)**

Date Issued: **February 17, 1999**

This certifies that:

APC Paper Co., Inc.
130 Sullivan Street
Claremont, NH 03743

has been granted a Title V Operating Permit for the following facility and location:

APC Paper Co., Inc.
130 Sullivan Street
Claremont, NH 03743
AFS Point Source Number - 3301900001

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services on **November 13, 1996** under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:

Paul Mallet
V.P. Operations
(603) 542-0411

Technical Contact:

Randy Carter
Technical Director
(802) 387-5571 or (603) 542-0411

This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **October 31, 2003**.

SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS

For the New Hampshire Department of Environmental Services, Air Resource Division

Director, Air Resources Division

TABLE OF CONTENTS

Permit Section Number	Title V Operating Permit Condition	Page Number
	Facility Specific Title V Operating Permit Conditions	
I.	Facility Description of Operations	4
II.	Permitted Activities	4
III.	Significant Activities Identification - Table 1. -Stack Criteria - Table 2.	4-5
IV.	Insignificant Activities Identification	5
V.	Exempt Activities Identification	5
VI.	Pollution Control Equipment Identification	5
VII.	Alternative Operating Scenarios	5
VIII.	Applicable Requirements	6-15
VIII. A.	State-only Enforceable Operational and Emission Limitations - Table 3.	6-7
VIII. B.	Federally Enforceable Operational and Emission Limitations - Table 4.	8-9
VIII. C.	Emission Reductions Trading Requirements	9
VIII. D.	Monitoring and Testing Requirements - Table 5.	10
VIII. E.	Record keeping Requirements - Table 6.	11-13
VIII. F.	Reporting Requirements - Table 7.	14-15
IX.	Requirements Currently Not Applicable	15
	General Title V Operating Permit Conditions	
X.	Issuance of a Title V Operating Permit	15-16
XI.	Title V Operating Permit Renewal Procedures	16
XII.	Application Shield	16
XIII.	Permit Shield	16-17
XIV.	Reopening for Cause	17
XV.	Administrative Permit Amendments	17
XVI.	Operational Flexibility	17-19
XVII.	Minor Permit Amendments	19
XVIII.	Significant Permit Amendments	19

Permit Section Number	Title V Operating Permit Condition	Page Number
XIX.	Title V Operating Permit Suspension, Revocation or Nullification	19-20
XX.	Inspection and Entry	20
XXI.	Certifications	20-21
XXII.	Enforcement	21
XXIII.	Emission-Based Fees	21-22
XXIV.	Duty to Provide Information	22
XXV.	Property Rights	22
XXVI.	Severability Clause	22
XXVII.	Emergency Conditions	23
XXVIII.	Permit Deviations	23

Facility Specific Title V Operating Permit Conditions

I. Facility Description of Operations:

APC Paper Co., Inc. ("APC") produces 30 to 50 lb. basis weight bag grade paper products derived from recycled paper (old corrugated containers and newsprint). Recycled paper products are repulped in a pulper and processed through various stock preparation equipment (refiners, screens, and cleaners) prior to delivery to the paper machine for final formation and drying of finished bag grade paper products. Steam for the pulping, papermaking, and building heat is provided by two boilers.

II. Permitted Activities:

In accordance with all of the applicable requirements identified in this permit, the permittee is authorized to operate the devices and or processes identified in Sections III, IV, and V within the terms and conditions specified in this Permit.

III. Significant Activities Identification:

- A. The activities identified in the following table (Table 1) are subject to and regulated by this Title V Operating Permit:

Table 1 - Significant Activity Identification			
Emission Unit Number (EU#)	Description of Emission Unit	Exhaust Stack Identification	Emissions Unit Maximum Allowable Permitted Capacity
EU1	Riley Stokes Boiler #1	Stack #1 (combined)	33.0 mmBtu/hr gross heat input at a maximum of 8976 gallons per day total for the two boilers of #6 Fuel Oil with a maximum sulfur content of 1.5% by weight, and rolling 12 consecutive month fuel use limit of 2,727,275 gallons total for the two boilers
EU2	Riley Stokes Boiler #2	Stack #1(combined)	33.0 mmBtu/hr gross heat input at a maximum of 8976 gallons per day total for the two boilers of #6 Fuel Oil with a maximum sulfur content of 1.5% by weight, and rolling 12 consecutive month fuel use limit of 2,727,275 gallons total for the two boilers
EU3	Paper Machine	Wet End and Dryer Exhausts	50 tons per year actual volatile organic carbon (VOC) emissions

Stack Criteria:

- B.** The following stacks for the above listed significant devices at this facility shall discharge vertically without obstruction (including rain caps) and meet the following criteria in accordance with the state-only modeling requirements specified in Env-A 1300 and Env-A 1400:

Table 2 - Stack Criteria		
Stack #	Minimum Stack Height (Feet)	Maximum Stack Diameter (Feet)
Stack #1 (EU1 & EU2 combined)	125	4.5

Preauthorized changes to the state-only requirements pertaining to stack parameters (set forth in this permit), shall be permitted only when an air quality impact analysis which meets the criteria of Env-A 606 is performed either by the facility or the DES (if requested by facility in writing) in accordance with the “DES Policy and Procedure for Air Quality Impact Modeling”. All air modeling data shall be kept on file at the facility for review by the DES upon request.

IV. Insignificant Activities Identification:

All activities at this facility that meet the criteria identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(g), shall be considered insignificant activities. Emissions from the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIII of this Permit.

V. Exempt Activities Identification:

All activities identified in the New Hampshire Rules Governing the Control of Air Pollution Env-A 609.03(c) shall be considered exempt activities and shall not be subject to or regulated by this Title V Operating Permit.

VI. Pollution Control Equipment Identification:

The devices and/or processes identified in Table 1 do not operate with any pollution control equipment.

VII. Alternative Operating Scenarios:

No alternative operating scenarios were identified for this Permit.

VIII. Applicable Requirements:

A. State-only Enforceable Operational and Emission Limitations:

The Permittee shall be subject to the state-only operational and emission limitations identified in Table 3 below.

Table 3 - State-only Enforceable Operational and Emission Limitations			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	Env-A 404.01	EU1 & EU2	Sulfur Dioxide emissions from each Class B major source, shall have an average emission rate of 1.6 pounds of sulfur dioxide per million Btu input, equivalent to No. 6 oil with 1.5 percent sulfur by weight.
2.	Env-A 1305.01(a)	Facility Wide ¹	New or modified devices, new or modified area sources, and existing devices or area sources for which new applications for permits are filed that have the potential to emit, in any amount, substances that meet the criteria of Env-A 1301 shall be subject to Env-A 1300, until such time as the Env-A 1400 requirements supersede the Env-A 1300 requirements. (As outlined below)
3.	Env-A 1305.02	Facility Wide	Air quality impact analysis of devices and area sources emitting substances meeting the criteria of Env-A 1301 shall be performed in accordance with the "DES Policy and Procedure for Air Quality Impact Modeling" or other comparable dispersion modeling methods approved by EPA.
4.	Env-A 1403.01	Facility Wide	In accordance with Env-A 1403.01, new or modified devices or processes installed after May 8, 1998, shall be subject to the requirements of Env-A 1400.
5.	Env-A 1403.02(a)	Facility Wide	In accordance with 1403.02(a), all existing unmodified devices or processes which are in operation during the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with either Env-A 1300 or Env-A 1400.
6.	Env-A 1403.02(b)	Facility Wide	In accordance with Env-A 1403.02(b), all existing devices or processes in operation after the transition period ending three years from May 8, 1998 (May 8, 2001), shall comply with Env-A 1400. Env-A 1300 will no longer be in effect.
7.	Env-A 1404.01(d)	Facility Wide	In accordance with Env-A 1404.01(d), documentation for the demonstration of compliance shall be retained at the site, and shall be made available to the DES for inspection.
8.	Env-A 1405.02	Facility Wide	In accordance with Env-A 1405.02 the owner of an existing device or process requiring a permit modification under chapter Env-A 1400 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), an application for a modification to a title V permit in accordance with Env-A 609.18, and a request to the DES to perform air dispersion modeling.
9.	Env-A 1405.03	Facility Wide	In accordance with Env-A 1405.03 the owner of an existing device or process requiring a permit under Env-A 1300 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), a compliance plan identifying how the device or process will comply with chapter Env-A 1400 by the end of the transition period. The compliance plan shall contain the dates when the information required in Env-A 1405.02 will be filed with the DES.

¹ Facility Wide shall include all significant and insignificant activities at the facility.

Table 3 - State-only Enforceable Operational and Emission Limitations

10.	Env-A 1406.01	Facility Wide	In accordance with Env-A 1406.01 the owner of any device or process which emits a regulated toxic air pollutant shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, or Env-A 1406.04. Upon request, the owner of any device or process which emits a regulated toxic air pollutant shall provide documentation of compliance with the ambient air limits to the DES.
-----	---------------	---------------	---

VIII. B. Federally Enforceable Operational and Emission Limitations

The Permittee shall be subject to the federally enforceable operational and emission limitations identified in Table 4 below.

Table 4 - Federally Enforceable Operational and Emission Limitations			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	RSA 125-C:6 RSA 125-C:11 Env-A 606.04	EU1 & EU2	The Riley ROH Boilers shall be limited to a combined daily total fuel limit of 8976 gallons and a combined consecutive 12 month total of 2,727,275 gallons of No. 6 oil with a maximum sulfur content of 1.5 percent by weight, in order to meet national ambient air quality standards for sulfur dioxide.
2.	Env-A 606	Facility Wide	Air pollution dispersion modeling impact analysis requirements in order to determine compliance with the state implementation plan, RSA 125-C, RSA 125-I, and any rules adopted thereunder.
3.	Env-A 1204.02(c) & Env-A 1204.27(a)	Facility Wide	Permittee shall keep facility wide actual annual VOC emissions less than or equal to 50 tons.
4.	Env-A 2003.01 & Env-A 2507.01	EU1 & EU2	No owner or operator shall cause or allow average opacity from fuel burning devices installed on or prior to May 13, 1970 in excess of 40 percent for any continuous 6 minute period in any 60 minute period.
5.	Env-A 2003.06(b)(2) & Env-A 2507.02	EU1 & EU2	<p>No owner or operator shall cause or allow emissions of particulate matter from fuel burning devices installed on or prior to May 13, 1970 in excess of the rates set forth below:</p> <p>For devices with I equal to or greater than 10 but less than 10,000, E shall be calculated by raising I to the -0.166 power, and multiplying the result by 0.880, expressed mathematically in the formula below:</p> $E = 0.880 I^{-0.166}$ <p>where: “E” means the maximum allowable particulate matter emission rate in lb/mmBtu; “I” means the maximum gross heat input rate in mmBtu/hr; and</p> <p> $E_{(EU1)} = 0.49 \text{ lb/mmBtu}$ $E_{(EU2)} = 0.49 \text{ lb/mmBtu}$ </p>

Table 4 - Federally Enforceable Operational and Emission Limitations

6.	Env-A 2507.03	EU3	<p>For non-fuel burning devices utilized at paper manufacturing facilities installed prior to or on February 18, 1972, no person shall cause or allow emission standards to exceed those specified for “Existing Devices” in Env-A 2103, Table 2103-1, where the maximum allowable particulate matter emission rate shall be calculated by the equation which is applicable for the particular process weight, where:</p> <p>(A) “E” means the maximum allowable particulate matter emission rate in pounds per hour; and</p> <p>(B) “P” means the process weight rate in tons per hour</p> <p>For an “Existing Device” installed prior to February 18, 1972 with a process weight rate:</p> <p>(C) Up to 30 tons per hour, P shall be raised to the 0.67 power and multiply the result by 5.05, as in the formula below:</p> $E = 5.05 * P^{0.67}$ <p>(D) In excess of 30 tons per hour, P shall be raised to the 0.11 power and multiply the result by 66.0, and then subtract 48, as in the formula below:</p> $E = 66.0 * P^{0.11} - 48$
7.	Env-A 2507.04	EU3	No person shall cause or allow average visible fugitive emissions or average visible stack emissions from any non-fuel burning device utilized at paper manufacturing facilities installed prior to or on February 18, 1972 to exceed an average of 20 percent opacity for any continuous 6-minute period in any 60 minute period.
8.	40 CFR 68	Facility Wide	<p>The facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities:</p> <ol style="list-style-type: none"> 1. Identify potential hazards which may result from such releases using appropriate hazard assessment techniques; 2. Design and maintain a safe facility; 3. Take steps necessary to prevent releases; and 4. Minimize the consequences of accidental releases which do occur.

VIII. C. Emission Reductions Trading Requirements

“The Permittee did not request emissions reductions trading in its operating permit application. At this point, DES has not included any permit terms authorizing emissions trading in this permit. All emission reductions trading, must be authorized under the applicable requirements of either Env-A 3000 (the “Emissions Reductions Credits (or ERCs) Trading Program”) or Env-A 3100 (the “Discrete Emissions Reductions (or DERs) Trading Program”) and 42 U.S.C. §7401 et seq. (The “Act”), and must be provided for in this Permit.”

VIII. D. Monitoring/Testing Requirements

The Permittee is subject to the monitoring/ testing requirements as contained in Table 5 below:

Table 5 - Monitoring/Testing Requirements					
Item #	Control Device	Parameter	Method of Compliance	Frequency of Method	Regulatory Cite
1.	EU1, EU2, & EU3	Allows for adequate dispersion of HAPs and other regulated pollutants	Conduct an annual inspection of each stack and fuel burning device. Records of inspections and subsequent maintenance conducted as a result of the annual inspections shall be kept on file at the Facility for review by the DES and/or EPA upon request.	Annually	40 CFR 70.6(a)(3) Federally Enforceable
2.	EU1 & EU2	NO _x RACT Testing	Annually, before April 1st of each year, the permittee shall perform an efficiency test using the test procedures specified in ASME/ANSI Boiler Test Code 4.1 and adjust the combustion process of the boiler in accordance with the procedures specified in chapter 5, Combustion Efficiency Tables, Taplin, Harry R., Fairmont Press, 1991.	Annually, before April 1st	Env-A 1211.05(b)(1) Federally Enforceable
3.	Facility Wide	Fuel Sulfur Content Verification	The operator shall conduct testing using the appropriate ASTM method or retain certified delivery tickets which state the weight percent of sulfur for each delivery of fuel oil to determine compliance with the sulfur content limitation provisions in this permit for liquid fuels in order to meet the reporting requirements specified in Env-A 900.	For each delivery	Env-A 809 Federally Enforceable
4.	Facility Wide	Opacity Measurement	Opacity measurements shall be conducted following the procedures set forth in 40 CFR Part 60, Appendix A, Method 9, VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES. The opacity measurements shall be taken over 60 minutes during normal operation of the device.	As needed	Env-A 810.03 Federally Enforceable

VIII. E. Record keeping Requirements

The Permittee is subject to the Record keeping requirements as contained in Table 6 below:

Table 6 - Applicable Record keeping Requirements				
Item #	Record keeping Requirement	Frequency of Record keeping	Applicable Emission Unit	Regulatory Cite Federally Enforceable or State-Only Enforceable
1.	The Permittee shall retain records of all required monitoring data, record keeping and reporting requirements and support information for a period of at least 5 years from the date of the origination.	Retain for a minimum of 5 years	Facility wide	40 CFR 70.6(a)(3)(ii)(B) Federally Enforceable
2.	The permittee shall maintain records of monitoring and testing as specified in Table 5 of this permit for preventative maintenance and inspection results for stacks and fuel burning devices, sulfur content in fuel, and opacity readings.	Maintain on a continuous basis as specified in Table 5 of this permit	Facility wide	40 CFR 70.6(a)(3)(iii) (A) Federally Enforceable
3.	The permittee shall maintain records of NOX RACT Testing Results for the boilers in a permanently bound logbook containing the following information: 1. The date(s) on which: a. The efficiency test was conducted; and b. The combustion process was last adjusted; 2. The name(s), title and affiliation of the person(s) who: a. Conducted the efficiency test; and b. Made the adjustments; 3. The NOX emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; 4. The CO emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; and 5. The opacity readings	Maintain on a continuous basis as specified in Table 5 of this permit	EU1 & EU2	Env-A 1211.05(b)(2) & 40 CFR 70.6(a)(3)(iii) (A) Federally Enforceable
4.	Daily records of combined fuel utilization, monthly records of combined fuel utilization, and twelve consecutive month rolling totals of combined fuel utilization shall be kept at the facility and contain the following information: (A) Consumption; (B) Fuel type; (C) Viscosity; (C) Sulfur content as percent sulfur by weight of fuel; (D) Btu content per gallon or cubic feet of fuel; and (E) Hours of operation of the Riley ROH Boilers.	Daily, monthly, & annual total of fuel consumption	EU1 & EU2	Env-A 901.03 and 40 CFR 70.6 (a)(3)(i)(B) Federally Enforceable
5.	Daily, monthly, and annual records shall be kept regarding the total quantities of raw materials, including chemicals used and furnish to the pulpers, and tons of paper produced. The number of hours of operation for the paper machine shall also be recorded.	Daily, monthly, and annually	Facility Wide	Env-A 901.04 Federally Enforceable

Table 6 - Applicable Record keeping Requirements

6.	<p>NOX Record keeping Requirements: For fuel burning devices and incinerators, including boilers, turbines, and internal combustion engines, the following information shall be recorded and maintained:</p> <p>(A) Facility information, including:</p> <ol style="list-style-type: none"> 1. Source name; 2. Source identification; 3. Physical address; 4. Mailing address; and <p>(B) Identification of fuel burning device or incinerator;</p> <p>(C) Operating schedule information for each fuel burning device or incinerator identified in (B), above, including:</p> <ol style="list-style-type: none"> 1. Days per calendar week during the normal operating schedule; 2. Hours per day during the normal operating schedule and for a typical ozone season day, if different from the normal operating schedule; and 3. Hours per year during the normal operating schedule; <p>(D) Type, and amount of fuel or waste burned, for each fuel burning device or incinerator, during normal operating conditions and for a typical ozone season day, if different from normal operating conditions, on an hourly basis in million Btu's per hour or, for incinerators, in tons per hour;</p> <p>(E) The following NOX emission data, including records of total annual emissions, in tons per year, and typical ozone season day emissions, in pounds per day, shall be maintained at the facility:</p> <ol style="list-style-type: none"> 1. Theoretical potential emissions for the calculation year for each fuel burning device or incineration unit; and 2. Actual NOX emissions for each fuel burning device or incineration unit. 	Daily, weekly, monthly, and annually	EU1 & EU2	Env-A 901.08 Federally Enforceable
----	--	--------------------------------------	-----------	--

Table 6 - Applicable Record keeping Requirements

7.	<p>VOC Record keeping Requirements: For all applicable facilities and devices, the following information shall be recorded and maintained at the facility:</p> <p>(A) Facility information, including:</p> <ol style="list-style-type: none"> 1. Source name; 2. Source identification; 3. Physical address; and 4. Mailing address; <p>(B) Identification of each VOC-emitting device or process, except:</p> <ol style="list-style-type: none"> 1. Processes or devices associated exclusively with non-core activities, as defined in Env-A 1204.03; and 2. Processes or devices emitting only exempt VOCs. <p>(C) Operating schedule information for each VOC-emitting device or process identified in (B), above, including:</p> <ol style="list-style-type: none"> 1. Days of operation per calendar week during the normal operating schedule; 2. Hours of operation per day during the normal operating schedule and for a typical high ozone season day, if different from the normal operating schedule; and 3. Hours of operation per year under normal operating conditions; <p>(D) The following VOC emission data:</p> <ol style="list-style-type: none"> 1. Annual theoretical potential emissions, as determined in accordance with the applicable section(s) of Env-A 803, using the VOC content for the calculation year for each VOC-emitting device or process identified in (B), above, for: <ol style="list-style-type: none"> a. Each year, in tons per year; and b. A typical day during the high ozone season of each year, in pounds per day; 2. Actual VOC emissions from each VOC-emitting device or process identified in (B), above for: <ol style="list-style-type: none"> a. Each year, in tons per year; and b. A typical day during the high ozone season of each year, in pounds per day; 3. Estimated emissions method code; and 4. Applicable emission factors, if used to calculate emissions. <p>(E) The calculation of emission estimates pursuant to (D), above, for a typical high ozone season day shall be based on the mean of the parameters relating to operating and process rate conditions during the high ozone season.</p>	Daily, weekly, monthly, and annually	Facility Wide	Env-A 901.06(a), (b), (c), & (d) Federally Enforceable
----	---	--------------------------------------	---------------	--

VIII. F. Reporting Requirements

The Permittee is subject to the reporting requirements as contained in Table 7 below:

Table 7 - Applicable Reporting Requirements				
Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite Federally Enforceable or State-Only Enforceable
1.	<p>VOC Reporting Requirements:</p> <p>All sources subject to the reporting requirements of this section shall submit the following information to the director in accordance with the schedule in Env-A 901.07(h):</p> <p>(A) Facility information, including:</p> <ol style="list-style-type: none"> 1. Source name; 2. Source identification; 3. Physical address; 4. Mailing address; and <p>(B) Identification of each device or process operating at the source identified in (A), above;</p> <p>(C) Operating schedule information for each device or process identified in (B), above, including such information for:</p> <ol style="list-style-type: none"> 1. A typical business day; and 2. A typical high ozone season day, if different from a typical business day; <p>(D) Total quantities of actual VOC and NOX emissions for the entire facility and for each device or process identified in (B), above, including:</p> <ol style="list-style-type: none"> 1. Annual VOC emissions, and 2. Typical high ozone season day VOC emissions. 	By April 15, 1996 for calendar year 1995; every third calendar year after 1995 by April 15th of the following year.	Facility Wide	Env-A 901.07(b) Federally Enforceable
2.	<p>NOX Reporting Requirements:</p> <p>For fuel burning devices and incinerators, including boilers, turbines and engines, as well as asphalt plant dryers and miscellaneous sources, the owner or operator shall submit to the director, annually (no later than April 15th of the following year), reports of the data required by Condition VIII.E., Table 6, Item 6., including total annual quantities of all NOX emissions.</p>	Annually (no later than April 15th of the following year)	EU1 & EU2	Env-A 901.09(b)(1) Federally Enforceable
3.	The permittee shall annually submit to the director, an annual fuel usage report indicating monthly fuel usage, annual fuel usage, and corresponding fuel information as outlined in Condition VIII.E., Table 6, Item 4.	Annually (no later than April 15th of the following year)	EU1 & EU2	40 CFR 70.6 (a)(1) Federally Enforceable
4.	The permittee shall annually submit to the director, an annual chemical usage report and annual production report. The annual production report will include tons of paper produced per month and total paper production for the year in tons. The chemical usage report will include monthly usage of all chemicals (pounds per month), the yearly usage of such chemicals (pounds per year), and the VOC content in weight percent for each of the chemicals.	Annually (no later than April 15th of the following year)	EU3	40 CFR 70.6(a)(1) Federally Enforceable

Table 7 - Applicable Reporting Requirements				
5.	Prompt reporting of deviations from Permit requirements within 8 hours of such an occurrence by phone or fax in accordance with Section XXVIII. of this Permit.	Prompt reporting (ie; within 8 hours of an occurrence).	Facility Wide	Env-A 902.02 & 40 CFR 70.6(a)(3)(iii) (B) Federally Enforceable
6.	The Permittee shall submit to DES a summary report of monitoring and testing requirements every 6 months. All instances of deviations from Permit requirements must clearly be identified in such reports. All required reports must be certified by a responsible official consistent with section 70.5(d). The report shall contain a summary of the following information: <div style="margin-left: 40px;"> (A) Preventative maintenance and inspection results for stacks and fuel burning devices; (B) A summary report of the NOX RACT Testing results required in the Applicable Record keeping section of this permit; (C) Fuel sulfur content certifications; and (D) Opacity readings. </div>	Every 6 months by January 31st and July 31st of each calendar year.	Facility wide	40 CFR 70.6(a)(3)(iii) (A) Federally Enforceable
7.	Any report submitted to the DES and/or EPA shall include the compliance certification statement as outlined in Section XXI.B. of this Permit and shall be signed by the responsible official.	As specified	Facility wide	40 CFR 70.6(c)(1) Federally Enforceable
8.	Annual reporting and payment of emission based fees shall be conducted in accordance with Section XXIII of this Permit.	As specified in Section XXIII.	Facility wide	Env-A 704.03
9.	Annual compliance certification shall be submitted in accordance with Section XXI. of this Permit.	April 15th	Facility wide	40 CFR 70.6(c)(1) Federally Enforceable

IX. Requirements Currently Not Applicable:

The Permittee did not identify any requirements which are not applicable to the facility.

General Title V Operating Permit Conditions

X. Issuance of a Title V Operating Permit:

- A. This Permit is issued in accordance with the provisions of Part Env-A 609. In accordance with 40 CFR 70.6(a)(2) this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this Permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

- B. Pursuant to Env-A 609.02(b), this Permit shall be a state permit to operate as defined in RSA 125-C:11, III.

XI. Title V Operating Permit Renewal Procedures:

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

XII. Application Shield:

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

XIII. Permit Shield:

- A. Pursuant to Env-A 609.08(a), a permit shield shall provide that:
1. For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
 2. For any potentially applicable requirement or any potential state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically identified in Section IX of this Permit as not applicable to the stationary source or area source, the Permittee need not comply with the specifically identified federal or state requirements.
- B. The permit shield identified in Section XIII.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by the DES.
- C. If a Title V Operating Permit and amendments there to issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the NH Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the permit shield and the Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.
- D. If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.
- E. Pursuant to Env-A 609.08(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18 or to exercise its summary abatement authority.

- F.** Pursuant to Env-A 609.08(g), nothing contained in Section XIII of this Permit or in any title V operating permit issued by the DES shall alter or affect the following:
1. The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
 2. The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15,II;
 3. The provisions of section 303 of the Act regarding emergency orders including the authority of the EPA Administrator under that section;
 4. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
 5. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act;
 6. The ability of the DES or the EPA Administrator to obtain information about a stationary source, area source, or device from the owner or operator pursuant to section 114 of the Act; or
 7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

XIV. Reopening for Cause:

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.18(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.18(b) through (g).

XV. Administrative Permit Amendments:

- A. Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Part Env-A 100 immediately upon submittal of the request.
- B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

XVI. Operational Flexibility:

- A. Pursuant to Env-A 612.02(a), the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions under this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all the conditions are met as specified in Section XVI. A. 1. through 7. of this permit and a notice is submitted to the DES and

EPA describing the intended changes. At this point, the DES has not included any permit terms authorizing emissions trading in this permit.

1. The change is not a modification under any provision of title I of the Act;
2. The change does not cause emissions to exceed the emissions allowable under the title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
3. The owner or operator has obtained any temporary permit required by Env-A 600;
4. The owner or operator has provided written notification to the director and administrator at least 15 days prior to the proposed change and such written notification includes:
 - a. The date on which each proposed change will occur;
 - b. A description of each such change;
 - c. Any change in emissions that will result and how this change in emissions will comply with the terms and conditions of the permit;
 - d. A written request that the operational flexibility procedures be used; and
 - e. The signature of the responsible official, consistent with Env-A 605.04(b);
5. The title V operating permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;
6. The owner or operator has included in the application for the title V operating permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the title V operating permit which qualify under a federally- enforceable emissions cap that is established in the title V operating permit independent of the otherwise applicable requirements; and
7. The proposed change complies with Env-A 612.02 (e).

B. Pursuant to Env-A 612.02(c), the Permittee subject to and operating under this Title V Operating Permit may make changes not addressed or prohibited by this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application, provided that all the conditions specified in Env-A 612.02(c)(1) through (6) are met and a notice is submitted to the DES and EPA describing the intended changes.

- C. Pursuant to Env-A 612.02(d), the Permittee, Operator, Director and Administrator shall attach each notice of an off-permit change completed in accordance with Section XVI of this Title V Operating Permit to their copy of the current Title V Operating Permit.
- D. Pursuant to Env-A 612.02(e), any change under Section XVI shall not exceed any emissions limitations established under the NH Rules Governing the Control of Air Pollution, or result in an increase in emissions, or result in new emissions, of any toxic air pollutant or hazardous air pollutant other than those listed in the existing Permit.
- E. Pursuant to Env-A 612.02(f), the off-permit change shall not qualify for the permit shield under Env-A 609.08.

XVII. Minor Permit Amendments:

- A. Pursuant to Env-A 612.04 prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.04(b).
- B. The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.04(c) through (g).
- C. Pursuant to Env-A 612.04(h), the permit shield specified in Env-A 609.08 shall not apply to minor permit amendments under Section XVII. of this Permit.
- D. Pursuant to Env-A 612.04(i), the Permittee shall be subject to the provisions of Part Env-A 614 and Part Env-A 615 if the change is made prior to the filing with the Director a request for a minor permit amendment.

XVIII. Significant Permit Amendments:

- A. Pursuant to Env-A 612.05, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.05(a)(1) through (7).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director and to the EPA which includes all the information as referenced in Env-A 612.05(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of Env-A 614 and Env-A 615 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.
- C. The Director shall take final action on the significant permit amendment in accordance with the procedures specified in Env-A 612.05(d), (e) and (f).

XIX. Title V Operating Permit Suspension, Revocation or Nullification:

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
 - 1. The Permittee has committed a violation of any applicable statute or state requirement found

in the New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or

2. That the emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.
- B.** The Director shall nullify any Permit, if following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

XX. Inspection and Entry:

Pursuant to Env-A 614.01, EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6,VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the NH Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

XXI. Certifications:

A. Compliance Certification Report

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify, annually from the date of issuance, that the facility is in compliance with the requirements of this permit. The report shall be submitted to the DES and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

1. The terms and conditions of the Permit that are the basis of the certification;
2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether compliance was continuous or intermittent during the reporting period;
3. The methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
4. Any additional information required by the DES to determine the compliance status of the source.

Mailing addresses for submittal of the Compliance Certification Report are as follows:

New Hampshire Department of Environmental Services
Air Resources Division
64 North Main Street
P.O. Box 2033
Concord, NH 03302-2033
ATTN: Compliance Bureau

USEPA - Region 1
JFK Federal Building
Boston, MA 02203
ATTN: Air Compliance - NH

B. Certification of Accuracy Statement

All documents submitted to the DES shall contain a certification of accuracy statement by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

XXII. Enforcement:

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii) a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

XXIII. Emission-Based Fee Requirements:

- A. The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.
- B. The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 620.
- C. The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with the procedures specified in Env-A 704.03 and the following equation:

$$FEE = E (DPT (CPlm (ISF$$

Where:

- FEE = The annual emission-based fee for each calendar year as specified in Env-A 704.
- E = The emission-based multiplier is based on the calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a).
- DPT = The dollar per ton fee the DES has specified in Env-A 704.03(b).

CPI_m= The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).
 ISF = The Inventory Stabilization Factor as specified in Env-A 704.03(d).

- D.** The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E.** The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F.** The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B. and C of this Permit for each calendar year by October 15th of the following calendar year in accordance with Env-A 704.04. The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services
 Air Resources Division
 64 North Main Street
 P.O. Box 2033
 Concord, NH 03302-2033
 ATTN: Emissions Inventory

- G.** The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

XXIV. Duty To Provide Information

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Part Env-A 103 at the time such information is submitted to the DES. The DES shall evaluate such requests in accordance with the provisions of Part Env-A 103.

XXV. Property Rights

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

XXVI. Severability Clause

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

XXVII. Emergency Conditions

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based² emission limitations specified in this Permit as a result of an emergency³. In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

XXVIII. Permit Deviation

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements, by telephone (calling (603) 271-1088) or fax ((603) 271-1381 Attention: Compliance Bureau), within 8 hours of discovery of such deviation pursuant to Env-A 902.02. This report shall include the deviation itself, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Said Permit deviation shall also be submitted in writing to the DES, at the address listed in permit condition XXI.A. within fifteen (15) days of documentation of the deviation by facility personnel. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.

² Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

³ An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

